IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

CONTEMPT PETITION NO. 44 OF 2006

IN

WRIT PETITION NO. 536 OF 2005

Jagannath Prasad Shoke ... Petitioner

Versus

Shri V.. Mathur & Ors. ... Respondents

Mr. J.P.Shoke, petitioner-in-person.

Mr. R.R.Shetty for Respnodents 3 to 6.

CORAM: S.K.SHAH,J.

DATE : 16th June,2006

P.C.

1. Heard the petitioner in person and the learned Counsel appearign for Respondents Nos. 3 to 6.

2. The order of which contempt is alleged was passed by this Court on 11.3.2005. The relevant order reads as under :-

> "...We direct the Railways to file their reply to the Original Application within three weeks hereafter and the CAT will endeavour to dispose of the the Original Application within three months"

3. It is the contention of the petitioner that the

Members of the CAT have neglected to dispsoe of this matter expeditiously.

4. On the other hand, the learned Counsel for the Respodents Nos. 3 to 6 - Members of the CAT states that it is because the petitioner himself has made number of Misc. Petitions and it is, therefore, the matter could not be decided earlier. He has produced the last order of the CAT being order dated 26.4.2006, wherein it has been specifically observed that they were ancious to dispose of the matter at the earliest but in view of his action, the matter has got delayed primarily as 14 Misc.Petitions field by the petitioner one after the other and most of the M.Ps having no substance, they have been dismissed. That order has also specified that O.A. shall now be taken up on priority basis and listed high on board.

5. The petitioner states that as he remembers he has filed 11 M.Ps.

6. The petitioner has field this Contempt Petition having known that the O.A. could not be decided by the Members of theCAT because he had filed so many Misc. Petitions which the Members of the Cat were required to dispose of first before taking up the Original Application for final decision. The learned Counsel for the Respodnents Nos. 3 to 6 has also complained that the petitioner is not co-operating with the CAT for disposal of the matter.

7. It is under these circumstances that the petitioner has taken out this Contempt Petition. It is apparent that he has been trying to pressurise the Members of the CAT when he himself knew that he has filed so many Misc. Petitions before which the Original Application could not be decided. Therefore, the petitioner has chosen a totally wrong course of action for bringing pressure on the Respodnents.

8. The learned Counsel for Resondents Nos. 3 to 6 states that the Railways have filed reply and it is thereafter the matter came to be adjourned from time to time. Under the circumstances, for such course of action the petitioner has taken up by filing Contempt Petition, it is necessary to impose costs on him while disposing of the Contempt Petition.

9. It is further necessary to observe that the direction of this Court was thatthe CAT will endeavour to dispose of the Original Application within 3 months after the reply by the Railways is filed. The course adopted by the petitioner is just to pressurise the Respondents.

10. Under the circumstances, the Contempt Petition is dismissed with costs of Rs.5,000/- (Rupees five thousand only), to be deposited in this Court within four weeks.

(S.K.SHAH,J.)